

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-30 are pending in the application, with claims 1, 17 and 23 being the independent claims. No new claims are added.

Based on the following Remarks, Applicants respectfully requests that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

Claim Rejections - 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-2, 5, 7-14, 17-22, 24, 25 and 27-30 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,068,183 to Freeman et al. ("Freeman '183").

Independent claims 1, 17 and 27 each recite "an active display enabled for bistable performance." The Examiner cites to col. 3, ll. 1-10 and col. 6, ll. 10-30 as allegedly disclosing this feature. These portions of Freeman '183, however, disclose at most that the displays contemplated may be "multi-color ferroelectric LCD displays that ... do not require a power source to display an image" (col. 3, ll. 3-5) and "liquid crystal display (LCD) film, which is a bi-stable or multi-stable display material that will maintain an image when power has been removed" (col. 6, ll. 12-15). Freeman '183, however, does not expressly disclose active display technology. In fact, one skilled in the art would understand from the disclosure of Freeman '183, to the contrary, that Freeman '183 relates to passive display technology. For example, the disclosure in Freeman '183 of a "row/column selector switch [that] determines which specific

row/column pair receives the voltages produced by the polarity switch and driver circuit” (col. 6, ll. 54-56) suggests a passive display design. Thus, Freeman ‘183 not only fails to suggest active display technology, but also teaches away from such a feature through the above discussion of passive features. For at least these reasons, Freeman ‘183 fails to anticipate independent claims 1, 17 and 23. Dependent claims 1-16, 18-22 and 24-30 recite additional patentable features. Thus, Freeman ‘183 fails to anticipate claims 1-30, and Applicant therefore respectfully requests that the Examiner reconsider the rejections under 35 U.S.C. § 102 (a) and that they be withdrawn..

As an additional matter, the Examiner later admits that Freeman ‘183 does not disclose the features recited in dependent claim 22. Office Action at 11. Specifically, the Examiner states “Freeman does not explicitly disclose ‘a phone ordering interface, coupling said database server to a public network; wherein said phone ordering interface communicates authentication data associated with a venue to said database server in response to a request by a patron received via a public switched telephone network (PSTN).’ *Id.* Thus, Applicant assumes that claim 22 was inadvertently included in the Examiner’s rejection under § 102(a) and that it will be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 3 and 22

In the Office Action, the Examiner rejected claims 3 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Freeman '183. As an initial matter, as discussed above, Freeman '183 fails to disclose all limitations of claims 1 and 2 (from which claim 3 depends). The Examiner further admits that Freeman '183 does not explicitly disclose "said card is approximately 85 millimeters (mm) in length, 55mm in width and 1 mm thick" as recited in claim 3. The Examiner then, without support, asserts that "Freeman does disclose that the card is readable by ATM machines." Applicant disagrees. In this regard, Applicant is aware of 1) the reference at column 2, line 21 of Freeman '183 that merely suggests the existence of "ATM machines" and 2) the discussion at column 6, lines 59-65 that relates to a flexibility of the card of Freeman '183. These disclosures, however, provide no disclosure nor suggestion of the feature of a card of "approximately 85 millimeters (mm) in length, 55mm in width and 1 mm thick" as recited in claim 3. In fact, many LCD displays of the type disclosed in Freeman '183 are wholly unsuitable for such an application.

Regarding claim 22, as discussed above, Freeman '183 fails to disclose all limitations of claim 17 (from which claim 22 depends). The Examiner further admits that Freeman '183 does not explicitly disclose "a phone ordering interface, coupling said database server to a public network; wherein said phone ordering interface communicates authentication data associated with a venue to said database server in response to a request by a patron received via a public switched telephone network (PSTN)" as recited in claim 22. The Examiner asserts that "Freeman does disclose the use of a public network which uses a modem" and "it would have

been obvious to a person of ordinary skill in the art to modify Freeman such that the ticket could be ordered over the phone.” Such disclosure does not satisfy or suggest the claim requirement of “a phone ordering interface...” or “said phone ordering interface communicates authentication data...” Moreover, disclosure of a modem would teach away from a feature of “order[ing] over the phone,” as in the Examiner’s description of a reason to incorporate such a feature. A phone user would not communicate with a modem. Thus, the Examiner has not demonstrated that such a feature is taught in the art, much less a motivation to incorporate such a feature into the teachings of Freeman ‘183. For at least these reasons, Applicant respectfully requests that the Examiner reconsider these rejections under 35 U.S.C. § 103(a) and that they be withdrawn.

Claims 4, 6, 15-16 and 26

In the Office Action, the Examiner rejected claims 4, 6, 15-16 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Freeman ‘183 in view of U.S. Patent No. 6,268,788 to Gray. As discussed above, Freeman ‘183 fails to disclose all limitations of independent claims 1 (from which claims 4, 6 and 15-16 depend) and 23 (from which claim 26 depends), and the Examiner has identified no disclosure in Gray to remedy these deficiencies. For at least this reason, the cited art fails to disclose or suggest all features of independent claims 1, 17 and 23 and their respective dependent claims.

Additionally, the Examiner asserts that Gray discloses the admitted deficiencies in the teachings of Freeman ‘183. Even if Applicant conceded the Examiner’s positions regarding these features, and it does not, the Examiner has pointed to no motivation to combine these features with the teachings of Freeman ‘183. For claims 4, 6, 15 and 26 (the Examiner provides

no statement of motivation at all for claim 16), the Examiner's only statement of motivation – that one of ordinary skill in the art “would have been motivated to [modify the teachings of Freeman] because it would the [sic] system to verify the identity of the person using the card – relates to discussion in Gray, not in Freeman. Gray, col. 2, ll. 40-50. Freeman ‘183, on the other hand, describes an invention that “enables consumers to receive ticketing information that can admit them to a venue [and] guide them to their seats...” Freeman ‘183, col. 2, ll. 30-32. As in the present invention, however, such a feature typically involves using a ticketing device as a bearer instrument, and does not require any personal identification of the holder of the instrument. Thus, the Examiner has pointed to no motivation to incorporate the teachings of Gray with the teachings of Freeman ‘183.

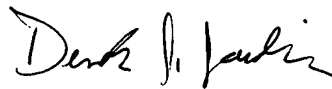
For at least these reasons, Applicant respectfully requests that the Examiner reconsider these rejections under 35 U.S.C. § 103(a) and that they be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Derek J. Jardieu".

Derek J. Jardieu (Reg. No. 44,483)

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